

## Miscellaneous Notes

--Consulted with Robert Clarke--senior legal consultant from OPLA-- on 09/21/05 stated that conception needs to be Prior to the filing date of the reference at a Minimum. One day after the filing date is not prior to the reference, even a filing date of the same day is insufficient.

He stated Applicant has proven conception one day after.

Even if conception was proven prior to the filing date, due diligence must also be proven. which applicant has not provided.

also by applicant not arguing the art rejection of the prior reference, it is noted that applicant is essentially agreeing that the prior reference, Smith, does read on the pending claims.

--Consulted in person with Dwayne Bost-SPRE on 09/21/05, he stated the evidence provided merely shows possession of conception AFTER the filing date reference.

Applicant has failed to show or prove any of the three ways outlined in MPEP 715.07.

Applicant has not proved conception Prior to the filing date nor reduction to practice Prior to the filing date of reference.

Examiner is supported by the patent laws set forth in MPEP 715.07.

This invention disclosure merely shows conception the day After the Smith Patent and furthermore does not show reduction to practice.

--Consulted with Ovidio Escalante on 09/21/05, he stated that Applicant has No basis for the declaration submitted evidence and disclosure statement with a date of 04/24/05, which is not Prior to the date of the reference.

If not reduction to practice, Applicant must show conception prior to the date of the reference.

--Consulted with Ahmed Matar, similarly stated the above facts